

HOUSE No. 363

The Commonwealth of Massachusetts

PRESENTED BY:

Cheryl A. Coakley-Rivera

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act enhancing emergency responses for children and seniors.

PETITION OF:

NAME:

Cheryl A. Coakley-Rivera

DISTRICT/ADDRESS:

10th Hampden

HOUSE No. 363

By Ms. Coakley-Rivera of Springfield, a petition (accompanied by bill, House, No. 363) of Cheryl A. Coakley-Rivera relative to enhancing school emergency responses for children and seniors. Education.

[SIMILAR MATTER FILED IN PREVIOUS SESSION

SEE

□ HOUSE
□ , NO. 2711 OF 2011-2012.]

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act enhancing emergency responses for children and seniors.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1: Chapter 71 of the General Laws, as appearing in the 2010 Official Edition,
2 is hereby amended by inserting after section 93, the following section:-

3 Section 94. (a) As used in this section, unless the context clearly requires otherwise,
4 “automated external defibrillator” or “AED” shall mean a medical device, approved by the
5 United States food and drug administration, that: (i) is capable of recognizing the presence or
6 absence, in a patient, of ventricular fibrillation and rapid ventricular tachycardia; (ii) is capable
7 of determining, without intervention by an operator, whether defibrillation should be performed
8 on the patient; (iii) upon determining that defibrillation should be performed, automatically
9 charges and requests delivery of an electrical impulse to the patient’s heart; and (iv) then, upon
10 action by an operator, delivers an appropriate electrical impulse to the patient’s heart to perform
11 defibrillation.

12 (b) All public, vocational, technical and charter schools shall provide and maintain
13 on-site in each instructional school facility AED equipment in quantities and types deemed by
14 the commissioner of elementary and secondary education in consultation with the commissioner

15 of public health to be adequate to ensure ready and appropriate access for use during
16 emergencies.

17 (c) All public, vocational, technical and charter schools shall have AED providers, as
18 defined in section 12V½ of chapter 112, available. The provisions of said section 12V½ shall be
19 applicable to any action under this section.

20 (d) Whenever school facilities pursuant to this section are used for school-sponsored
21 or school-approved curricular or extracurricular events or activities and whenever a school-
22 sponsored athletic contest is held at any location, the public school officials and administrators
23 responsible for such school facility or athletic contest shall ensure the presence of at least 1 staff
24 person who is an AED provider, as defined in section 12V½ of chapter 112. Where a school-
25 sponsored competitive athletic event is held at a site other than a public school facility, the public
26 school officials shall assure that an AED is provided on-site.

27 (e) Whenever an organized sports program sponsored or conducted by local
28 community centers, churches, temples, recognized boys and girls clubs, youth organizations,
29 non-professional private clubs and non-professional athletic associations, or town recreation
30 departments holds an athletic contest at any location, the administrator(s) responsible for such
31 athletic contest shall ensure the presence of at least 1 coach or participant who is an AED
32 provider, as defined in section 12V1/2 of chapter 112.

33 For the purposes of this subsection “organized sports program” shall mean any
34 organization that develops, promotes, and regulates a sport for youths.

35 (f) Each school facility subject to this section shall be deemed an “AED Agency” as
36 defined in section 12V½ of chapter 112 and shall be subject to the requirements and limitations
37 of such section.

38 (g) Any employee or other agent of the school who, in accordance with the
39 provisions of this section, voluntarily and without expectation of monetary compensation renders
40 emergency medical or first aid treatment using an AED which has been made available pursuant
41 to this section, to a person who is unconscious, ill or injured, shall be liable only pursuant to
42 section 12V of chapter 112.

43 SECTION 2: Chapter 19A of the General Laws, as appearing in the 2010 Official
44 Edition, is hereby amended by inserting after section 40, the following section:-

45 Section 41. Any senior centers, councils on aging, and elder care drop in centers, as
46 defined by the Executive Office of Elder Affairs, that provide direct care to the elder population
47 by providing supportive day care as well as a safe place for Massachusetts elders to remain
48 independent, productive and in the community for as long as possible, shall provide and
49 maintain, on-site in each facility, an automated external defibrillator (AED), as defined in section

50 91 of chapter 71, on its premises and shall have AED providers, as defined in section 12V½ of
51 chapter 112, available. The provisions of section 12V½ of said chapter 112 shall be applicable to
52 any action under this section.

53 SECTION 3: Chapter 15D of the General Laws, as appearing in the 2010 Official
54 Edition, is hereby amended by inserting after section 16, the following section:-

55 Section 17. Any child care center subject to the licensing requirements of chapter 15D
56 shall provide and maintain on-site an automated external defibrillator (AED) as defined in
57 section 91 of chapter 71, on its premises and shall have AED providers, as defined in section
58 12V½ of chapter 112, available. The provisions of said section 12V½ of said chapter 112 shall
59 be applicable to any action under this section.